

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

CASE NO. 1:17-CV-70

v.

WAL-MART STORES EAST, LP,

Defendant.

EOC'S REVISED PROPOSED VERDICT FORM

Failure to Accommodate Claim

Question 1: During the period November 2014 to July 10, 2015, was Marlo Spaeth a qualified individual with a disability?

ANSWER: Yes _____ No _____

If you answered "Yes" to Question 1, then go to Question 2. If you answered "No" to Question 1, go to Question 5.

Question 2: During the period November 2014 to July 10, 2015, was Walmart aware that Marlo Spaeth needed an accommodation?

ANSWER: Yes _____ No _____

If you answered "Yes" to Question 2, then go to Question 3. If you answered "No" to Question 2, go to Question 5.

Question 3: During the period November 2014 to July 10, 2015, would providing Marlo Spaeth an accommodation pose an undue hardship to Walmart's business?

ANSWER: Yes _____ No _____

If you answered "Yes" to Question 3, then go to Question 5. If you answered "No" to Question 3, go to Question 4.

Question 4: During the period November 2014 to July 10, 2015, did Walmart fail to provide Marlo Spaeth with a reasonable accommodation?

ANSWER: Yes _____ No _____

Go to Question 5.

Termination Claim

Question 5: At the time of her discharge from Walmart, was Marlo Spaeth a qualified individual with a disability?

ANSWER: Yes _____ No _____

If you answered "Yes" to Question 5, then go to Question 6. If you answered "No" to Question 5, go to Question 7.

Question 6: Did Walmart violate the Americans with Disabilities Act by terminating Marlo Spaeth because of her disability or because of the need to accommodate her disability?

ANSWER: Yes _____ No _____

Go to question 7.

Failure to Rehire or Reinstate Claim

Question 7: At the time Walmart was asked to rehire or reinstate Marlo Spaeth, was Ms. Spaeth a qualified individual with a disability?

ANSWER: Yes _____ No _____

If you answered “Yes” to Question 7, then go to Question 8. If you answered “No” to Question 7, go to the Damages Section, below.

Question 8: Did Walmart violate the Americans with Disabilities Act by failing to rehire or reinstate Marlo Spaeth because of her disability or because of the need to accommodate her disability?

ANSWER: Yes _____ No _____

Go to the Damages Section, below.

Damages Section

If you answered “No” to all three of Questions 4, 6, and 8, go to the Signature Section below and have the Presiding Juror sign and date this verdict form.

If you answered “Yes” one or more of Questions 4, 6, and 8, go to Question 9.

Question 9: What sum of money will fairly and reasonably compensate Marlo Spaeth for her emotional pain and mental anguish?

ANSWER: \$ _____

Go to Question 10.

Question 10: What amount, if any, do you award as punitive damages?

ANSWER: \$ _____

Go to the Signature Section below and have the Presiding Juror sign and date this verdict form.

SIGNATURE SECTION:

Dated at Green Bay, Wisconsin, this ____ day of July, 2021.

Jury Foreperson